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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES MONTE STOGSDILL,

7 Petitioner,

8 v.

9 ROBERT HERZOG,

10 Respondent.

CASE NO. C12-5195 RJB-JRC

ORDER ADOPTING A REPORT
AND RECOMMENDATION

11 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
12 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining
13 record, does hereby find and ORDER:

- 14 1. The Court adopts the Report and Recommendation;
15 2. The petition is dismissed as time barred.
16 3. Petitioner is not entitled to a Certificate of Appealability.
17 4. The Clerk is directed to send a copy of this Order to petitioner, and to the
Hon. J. Richard Creatura.

18 DATED this 25th day of September, 2012.

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21 ROBERT J. BRYAN
United States District Judge